

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Applicant,)	
)	
v.)	CIVIL ACTION NO.
)	1:07-cv-06672
)	Judge Marovich
DOLGENCORP,)	Magistrate Judge Schenkier
)	
Respondent.)	

MOTION TO FILE DECLARATION UNDER SEAL

Respondent, Dolgencorp (“Dollar General”), pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, and Local Rule 26.2, moves the Court to seal the Declaration which Dollar General intends to file in support of its Memorandum in Response to the EEOC’s Motion to Compel Enforcement of a Subpoena. In support of this motion, Dollar General states as follows:

1. Dollar General conducts criminal background checks on its Store Clerks after it has made a contingent offer of employment to them.

2. Regina Fields-Herring had her contingent offer of employment as a Store Clerk with Dollar General revoked because, within the parameters of Dollar General’s time and nature-specific criminal conviction matrix, she had disqualifying felony convictions. Thereafter, on October 28, 2004, Fields-Herring filed the underlying Charge of Discrimination, claiming that she had been discriminated against on the basis of race.

3. The EEOC is now investigating whether Dollar General’s refusal to hire criminals convicted by state and federal courts violates Title VII. To this end, the EEOC served the

subject subpoena on Dollar General, which, in more ways than one, is invalid and far exceeds the EEOC's investigative authority.

4. Nevertheless, the EEOC filed the present action to compel enforcement of its subpoena.

5. In its Memorandum in Response to the EEOC's Motion to Compel Enforcement of a Subpoena, Dollar General relies upon facts established by the Declaration.

6. The Declaration references information of a personal and sensitive nature, including social security numbers, criminal convictions, and other personal information, concerning other past and present employees of Dollar General. In addition, the Declaration also includes as exhibits Dollar General's conviction matrix, which Dollar General has an additional interest in not unnecessarily disclosing.

7. Therefore, Dollar General hereby requests that it be allowed to file the Declaration under seal pursuant to Local Rule 26.2.

Respectfully Submitted,

By: s/ Michael D. Ray
Michael D. Ray (6285109)
OGLETREE, DEAKINS, NASH
SMOAK & STEWART
20 South Clark Street, 25th Floor
Chicago, IL 60603
Telephone: 312-558-1220
Fax: 312-807-3619
Email: michael.ray@odnss.com

Thomas L. Henderson (TN Bar No. 11526)
Kristy L. Gunn (TN Bar No. 22821)
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
6410 Poplar Avenue, Ste. 300
Memphis, Tennessee 38119
Telephone: (901)767-6160
Email: Thomas.Henderson@ogletreedeakins.com
Email: Kristy.Gunn@ogletreedeakins.com

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of January, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

Jeanne Szromba
Diane Smason
John Hendrickson
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
500 West Madison Street
Suite 2800
Chicago, Illinois 60661

AUSA
219 South Dearborn Street
Suite 500
Chicago, IL 60604

s/ Michael D. Ray